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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/925,304	Applicant(s) DAM ET AL.	
	Examiner Steven B. McAllister	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims appear to be a literal translation into English from a foreign document and have several with grammatical and idiomatic errors. For instance several terms or phrases are not consistent with standard idiomatic English such as "mart union", "electrical stores for introducing goods" (cl. 1, l. 2), "a customer who browsing" (cl.1, l. 9); "said ... table receiving and taking down information" (cl. 5); "integrates a plurality of said mart unions that each mart union is mounted in a regional division" (cl. 8); "tracking for whether" (cl. 17); "taking down suppliers providing systems" (cl. 17); "information concerned with suppliers" (cl. 18); "urgent selling" (cl. 19). The list above is intended to be representative and not a complete list.

The following lack antecedent basis: "order information table" and "stock information table" (both cl. 2)

Claims 8 and 15 are indefinite because the preamble of the claims recites a subcombination comprising a mart union, but the body of the claims recites a combination comprising a mart union service center having a plurality of mart unions. It is not clear whether the applicant intends to claim the combination or the subcombination. The claims should be rewritten to positively claim either the

combination or the subcombination. In examining the claims, it was assumed that the subcombination was claimed.

It is not clear what is being claimed in claim 12.

Claim 17 recites "tracking for whether" and "taking down suppliers providing systems". It is unclear what is intended to be claimed. It is also noted that a tracking step appears to be recited twice in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-10, 12-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pugliese (2001/0044751).

Pugliese shows a plurality of e-stores belonging to a plurality of entities coupled with an electronic mall; a customer information table for registering browsing sequences; a purchase information table; a financial service unit for receiving payment service requests; and electronic mall web pages, at least one of the web pages redirecting the customer to the e-stores.

As to claim 2, Pugliese shows transaction web pages; management web pages; an order information table coupled with the transaction web pages and management web page for receiving order information associated with a purchase; and stock information table coupled with the transaction web pages and the management web pages for offering stock information. (see e.g., Fig. 2, Fig. 8, Fig. 17)

As to claims 4-7, Pugliese shows all elements of the claims.

Regarding claim 9, Pugliese shows showing electronic mall web pages; generating a purchase transaction; registering purchase information in the e-mall; generating an order; and delivering the goods by the enterprise associated with the e-store.

As to claim 10, Pugliese shows an the entity which owns the e-store managing it via web pages (e.g., Fig. 2).

As to claim 12, Pugliese shows at least one sequence for generating the purchase information being registered in the mart union.

As to claim 13, Pugliese shows settling accounts according to an account authenticated by the customer in the mart union before the delivery step.

As to claim 14, Pugliese shows redirecting to an electrical store form the e-mall web pages.

Regarding claim 16, Pugliese shows a server system having a storage device and a processor carrying out the following steps: showing web pages; redirecting a customer to one of the e-stores; managing sales flow; and managing payment services.

As to claim 17, to the extent understood by the examiner (see 112 rejection above) Pugliese shows all elements of the claim (see e.g., Fig. 17).

As to claim 19, Pugliese shows code to manage an urgent selling (interpreted as a sale) and for assigning a procedure for the purchase transaction.

As to claim 20, Pugliese shows all steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese in view of Kondoh (2001/0056377).

Pugliese shows all elements of the claims except having e-stores classified into business or professional characteristics. Kondoh shows categorizing the stores in this manner by classifying them according to the type of business or type of objects sold. It would have been obvious to one of ordinary skill in the art to modify the apparatus of

Pugliese by providing classification of stores as taught by Kondoh in order to provide an easy means of browsing for certain categories of products.

Regarding claim 19, Pugliese shows all elements of the claim except accessing and displaying goods or service categories; manipulating modifications to these categories; and managing information concerned with suppliers. Kondoh shows accessing and displaying goods or services categories and modifying them. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Pugliese by providing means to display and modify categories in order to allow an easy means of browsing goods. As to managing information concerned with suppliers, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Pugliese by doing so in order to coordinate inventory levels with supplier purchases.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

**STEVE B. MCALLISTER
PRIMARY EXAMINER**